

## **Remarks**

### **I. Rejection of Claims 1 and 3 Under 35 U.S.C. § 102(e)**

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Arai et al. U.S. Patent 6,169,710. Applicant respectfully traverses this rejection.

Claim 1 has now been amended so that the invention as claimed further comprises a data saving logic for saving the data to be overwritten to a nonvolatile memory before the data is overwritten by said data overwrite logic.

In light of the amendment to claim 1, Arai et al. no longer discloses the invention substantially as claimed, and should not be rejected under 35 U.S.C. § 102(e).

Nowhere in Arai et al. does it disclose the situation where the data saving logic writes to a nonvolatile memory. This is confirmed by the examiner's own admission in the present office action on page 5. Since Arai et al. fails to disclose the material element of the data saving logic using nonvolatile memory, Arai et al. no longer anticipates Claims 1 and 3, and applicant thus respectfully requests the withdrawal of this rejection under § 102(e).

### **II. Rejection of Claims 2-3 under 35 U.S.C. § 103(a)**

Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arai as applied to claim 1 in view of Kulakowski et al., U.S. Patent 5,223,584. Applicant respectfully traverses this rejection.

Examiner states that “use and application of nonvolatile memory or ROM is very well known in the art for a very long time...” Under MPEP 2144.03, Applicant respectfully requests Examiner to cite a reference in support of his position.

Examiner also states that “Kulakowski et al. clearly discloses that it is well known in the art to store data to be rerecorded in a ROM.” Applicant respectfully disagrees with the Examiner’s interpretation of Kulakowski et al. The references that the Examiner made with respect to a ROM in Kulakowski et al. in his office action, refer to a medium in which a portion of it is a ROM and another portion is a rewriteable technology. Those references deal with reading data from a ROM portion and dealing with ECC issues that arise from a faulty read, not using a ROM or nonvolatile memory as part of the overwrite process to maintain data integrity as the present invention does.

Applicant respectfully submits that since Kulakowski et al. does not discuss how to implement using a ROM or nonvolatile memory during the overwrite process, nor does it suggest a way to do so, Kulakowski et al. cannot inherently provide a motivation to combine itself with Arai et al. Even if Kulakowski et al. was to suggest such a combination, there is no indication in Kulakowski et al. or any of the cited art that such a combination would be successful.

Applicant respectfully submits that any combination involving Arai et al. and Kulakowski et al. is improper, and thus respectfully request the withdrawal of the obviousness rejection under 35 U.S.C. § 103(a).


**Conclusion**

Applicant respectfully submits that all claims are in proper form and condition for patentability, and request a notification of allowance to that effect. The Examiner is hereby respectfully invited to contact the undersigned agent with any questions, comments or suggestions relating to this application.

Respectfully submitted,

Kibashi et al.

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By:   
Matthew Zises (#47,246)  
Attorney for Applicants  
Hitachi Global Storage Technologies  
Intellectual Property Law  
5600 Cottle Road (NHGB/142)  
San Jose, CA 95193  
(408) 717-6759